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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q83447

Kaoru ASANO, et al.

Appln. No.: 10/509,595

Group Art Unit: 1631

Confirmation No.: 3089

Examiner: P.S. Whaley

Filed: September 29, 2004

For: GENE EXAMINATION METHOD FOR JUDGING THE ONSET RISK OF
GLAUCOMA

RESPONSE TO SEQUENCE ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Sequence Election Requirement, dated October 26, 2006. The Examiner set a one month period for reply. As November 26, 2006, fell on a Sunday, the due date for response is automatically extended to Monday, November 27, 2006.

In response to the Requirement, Applicants elect SEQ ID NO:14. This election is made with traverse.

Applicants respectfully note that each of SEQ ID NOs:2-16 could be used to amplify a portion of SEQ ID NO:1 containing the elected variation at position 4037. As this group of sequences only encompasses 15 different primers, it would not be an undue burden on Patent Office resources to search all 15 sequence.

Furthermore, Applicants respectfully assert that claim 21 is allowable. As claim 37 depends from claim 21, and simply further defines the method recited in claim 21, the Examiner would not need to perform a search of the prior art for any of the primers recited in claim 37. In

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particular, as the method of determining a risk of glaucoma based on the presence of variations at particular positions of the myocilin gene as recited in claim 21 is novel and non-obvious, there would be no need to determine if the primers of SEQ ID NOs 2-27, used in screening for the variations, are known in the art.

For these reasons, Applicants respectfully traverse the instant requirement.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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